ruary 9, 1972. The Solicitor's motion for expedition now seeks to require response to the petitions for certiorari even before applications for rehearing are filed in the certificate case. Assuming the earliest possible action by the Commission, the need for supplemental briefs to this Court concerning such action would appear a certainty if the expedited schedule requested by the Solicitor General is imposed.

The proceedings in United's curtailment case were commenced on October 26, 1970 with a petition filed in Federal Power Commission Docket No. RP71-29. Commission Opinion No. 606 was issued therein on October 5, 1971, with rehearing being denied in Opinion No. 606-A on December 3, 1971. It is now pending on review before the Fifth Circuit. The ordering paragraphs of Opinion No. 606 have never been stayed. In the action of the Fifth Circuit sought to be reviewed herein, the order dismissing the LP&L cause for injunctive relief was reversed and remanded to the District Court for further fact development on the issue of irreparable injury. Opinion No. 606 is now in effect. Even assuming arguendo that expedition is needed to protect the effectiveness of Opinion No. 606, that need for expedition does not apply to the primary jurisdiction issue.

The Solicitor General refers to nation-wide considerations as supporting the urgency for early resolution of the Commission's jurisdiction to curtail industrial sales. While we recognize these considerations as presenting very real concerns, they would at most justify expedition of the curtailment issues and not those related to United's certificate case (CP71-89). The jurisdiction of the Federal Power Commission, asserted in its Opinion No. 610, to certificate United's "Green System-East", (United's intra-

state facilities in the New Orleans area) and the decision of the Fifth Circuit that the Commission lacks such jurisdiction, do not present issues of such urgent national concern that they should be part of an expedited review requested even before applications for rehearing of Opinion No. 610 have been filed with the Commission. The Solicitor General's argument for expedition (pp. 22 and 23) refers only to the urgency for early determination of the Commission's curtailment jurisdiction over industrial sales. No reason whatsoever is advanced for expedition of the primary jurisdiction issue relating to United's intrastate facilities.

We respectfully oppose the Solicitor General's motion for expedition as being unnecessary and contrary to sound judicial administration, particularly with regard to the primary jurisdiction issue.

Respectfully submitted,

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February 17, 1972

Nos. 71-1016 and 71-1040

Supreme Court, U.S.
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IN THE

Supreme Court of the United States

October Term, 1971

FEDERAL POWER COMMISSION,
Petitioner,

v.

LOUISIANA POWER & LIGHT COMPANY, *et al.*,
(The Collateral Proceeding)
Respondents.

FEDERAL POWER COMMISSION,
Petitioner,

v.

LOUISIANA POWER & LIGHT COMPANY, *et al.*,
(The Curtailment Proceeding)
Respondents.

UNITED GAS PIPE LINE CO. and PENNZOIL UNITED, INC.,
Petitioner,

v.

LOUISIANA POWER & LIGHT CO.,
Respondent.

UNITED GAS PIPE LINE CO.,
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LOUISIANA POWER & LIGHT CO., *et al.*,
(FPC Opinion 606)
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RESPONSE OF THE BROOKLYN UNION GAS COMPANY IN SUPPORT OF MOTION FOR EXPEDITED CONSIDERATION AND PETITIONS FOR WRITS OF CERTIORARI

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